



Town of Bar Harbor Planning Department Staff Report

Date:

February 25, 2010

Case:

Implementation of Comprehensive Plan

-Residential Areas located south and west of downtown Bar Harbor

Scheduled Meeting Dates:

- 1. March 10, 2010: Neighborhood Visioning Session**
- 2. March 17, 2010: Introduce Projects to Planning Board**

Study Area:

The study area includes all residential areas located south and west of downtown Bar Harbor. Please see Appendix A for a detailed map outlining the areas in question.

Project Overview:

In November 2007 the Town of Bar Harbor updated its Comprehensive Plan. This document provides the framework for future growth, development, and conservation within the Town. The broad goals and policies adopted in the 2007 Comprehensive Plan are used as a baseline for the Town to improve and revise the Land Use Ordinance. As such, the Town is currently continuing the process of implementing the changes outlined in this document.

To implement these changes, the Comprehensive Plan includes a Future Land Use Map which loosely segregates geographical areas in Bar Harbor into growth or rural districts. The future Land Use Map is also used to define areas suitable for new or revised zoning districts, and provides an outline of what some of those changes might be.

The Future Land Use Map defines the residential areas located south and west of downtown Bar Harbor as New Village. Please refer to Appendix B for a copy of the Future Land Use Plan and the definitions of Old and New Village as extracted from the Comprehensive Plan. The upcoming neighborhood meeting is intended to provide a venue to discuss the existing and future character of this area of Bar Harbor in the context of the definition of New Village.

Existing Conditions: Bar Harbor Residential

This area of Bar Harbor is comprised of mostly residential properties, but also contains some sporadically located light commercial operations.

The Planning Department began work on revising the lot standards and permitted uses for the Bar Harbor Residential district in summer and fall of 2009. The result of this work

effort is the Village Residential District, which is a new district that will be voted on at the June 2010 Town Meeting. If this language and map amendment passes, a portion of what is currently zoned Bar Harbor Residential will become part of the Village Residential District. Staff hopes to incorporate the remaining areas of Bar Harbor Residential into the Village Residential District with this current work effort.

Table 1 below presents a summary of the current lot standards for the Bar Harbor Residential District and proposed standards for the Village Residential District.

Table 1

Zoning Designations Summary:

Standards	Bar Harbor Residential Section 125-20 (A-J) Current Zoning Designation	Village Residential Proposed for June 2010 Town Meeting
Minimum lot size:	20,000 square feet, or an average of all lots within 300 [feet] (average calculation excludes lots in excess of 20,000 square feet), whichever is smaller, with sewers; 40,000 square feet without sewers.	10,000 square feet with sewer, and 40,000 square feet without sewer.
Minimum road frontage and lot width:	100 [feet].	100 [feet].
Minimum front setback:	25 [feet].	20 [feet].
Minimum side setback (for principal residential structures):	10 [feet].	10 [feet].
Minimum side setback for accessory, nonresidential structures:	5 [feet].	5 [feet].
Minimum rear setback (for principal residential structures):	15 [feet].	10 [feet].
Minimum rear setback for accessory, nonresidential structures	5 [feet]	5 [feet]
Maximum lot coverage:	25%.	25%.
Maximum height:	40 [feet].	40 [feet].
Minimum area per family:	10,000 square feet, or the average of all lots within 300 [feet] (average calculation excludes lots in excess of 20,000 square feet), whichever is smaller, with sewers; or 20,000 square feet without sewers.	10,000 square feet with sewers; or 20,000 square feet without sewers.

Implementation Process:

The upcoming Neighborhood Meeting is intended to be a visioning session to gather residents ideas and interpretation of the language from Future Land Use Section of the Comprehensive Plan. Staff encourages interested parties to review the current

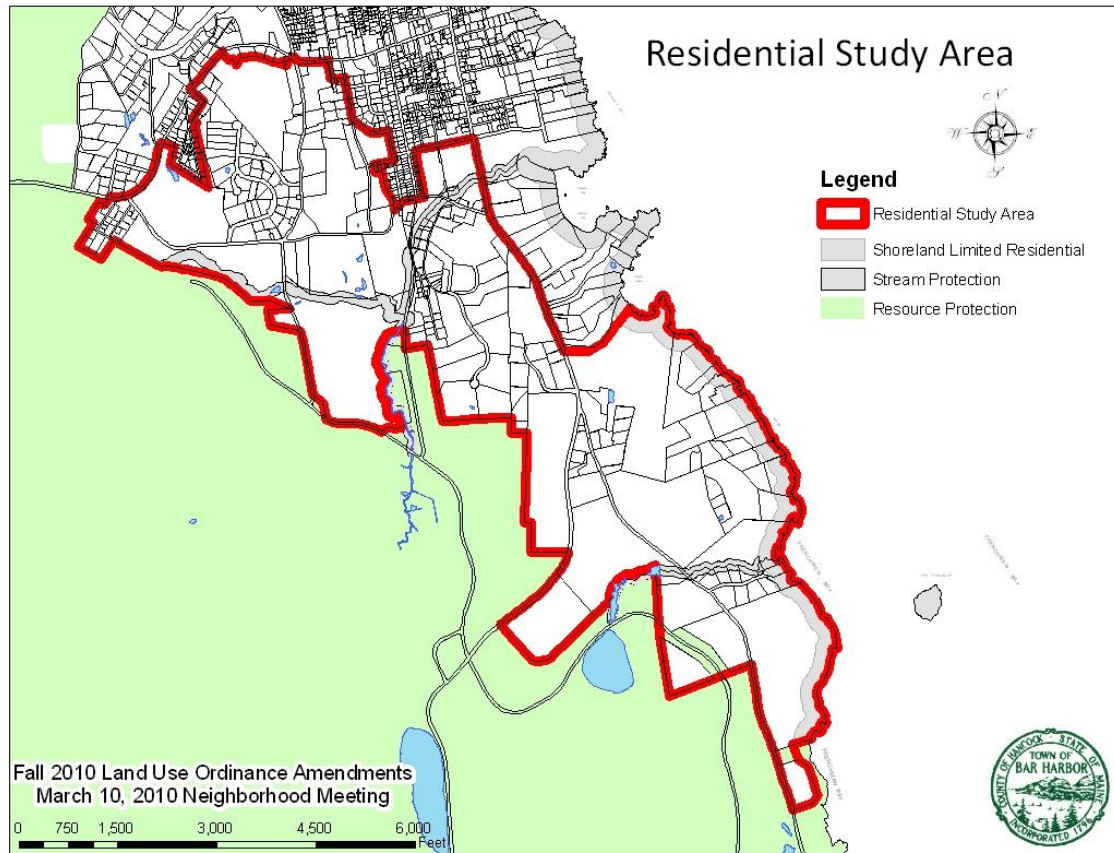
dimensional controls, permitted uses, and Future Land Use Plan to determine what, if any, changes are necessary.

Following the visionary work session staff will present a summary of this work effort to the Planning Board and Economic Development Task Force to gather additional thoughts and input. Staff will then prepare draft language for public review at a follow up neighborhood meeting in late March. Please review the attached schedule in Appendix C for a complete overview of this public review process.

Conclusion:

If you are interested in voicing your opinion and discussing the future of your neighborhood with your neighbors, please join us at the March 10, 2010 neighborhood meeting. The meeting will commence at 6:00 pm in the Auditorium of the Municipal Building located at 93 Cottage Street.

Appendix A: Map of Residential Study Area

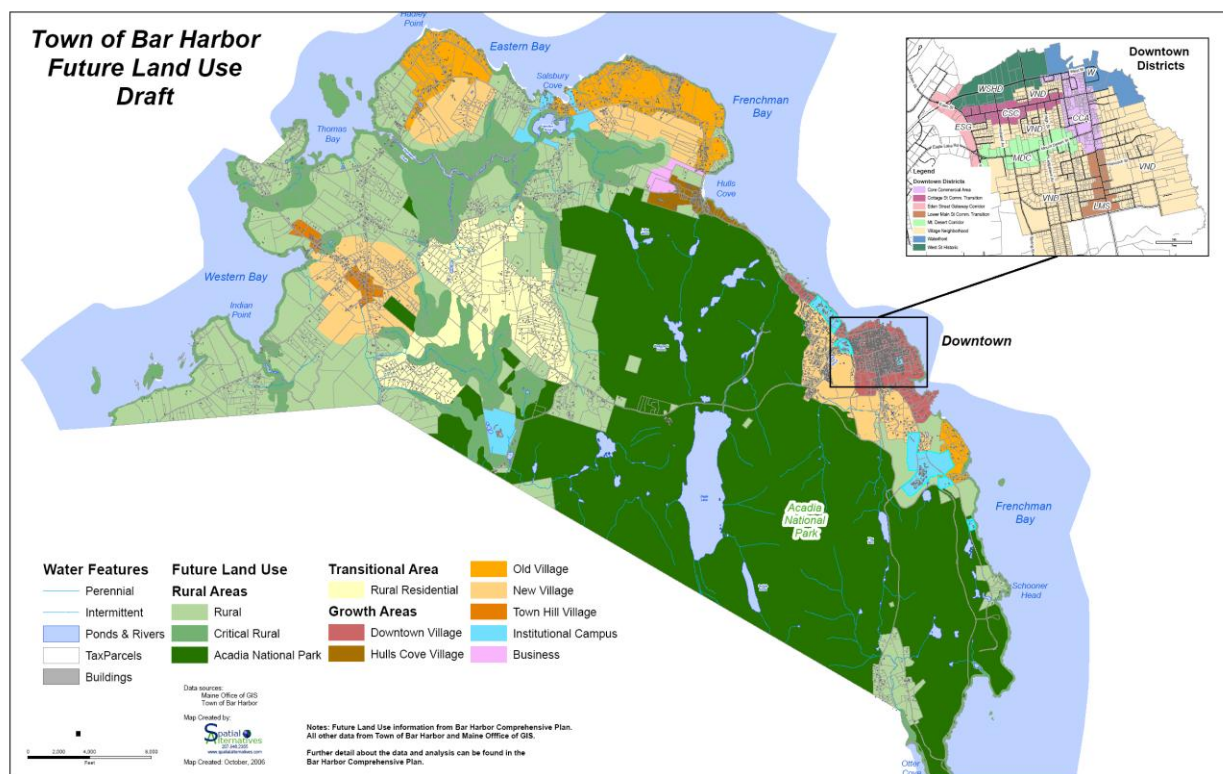


Appendix B: Future Land Use Plan

FUTURE LAND USE PLAN Excerpts from the Comprehensive Plan

Bar Harbor's Future Land Use Plan is made up of the Future Land Use Map and a written description of the land uses and characteristics of each area defined on the map.

Figure III.B.1 Future Land Use Map



The Future Land Use Map graphically depicts how Bar Harbor plans to direct anticipated growth over the ten-year planning period. It is not a zoning map, and the boundaries of identified areas on the map are general. But the map and associated plan will help guide development of future zoning, other land use measures, and the capital investments program.

The designations on the map are intended to provide for the best use of the various areas of Town in accordance with the community's goals and policies. Each designation addresses particular situations and is intended to reflect natural constraints and opportunities of the land and desires of the community.

The map and plan embody the concept that the Town include distinct rural, transitional, and growth areas. Designation of these areas has evolved directly from:

- An understanding of Bar Harbor's water and natural resource systems. Some present barriers to development, others offer opportunities;
- The historic development of the community;

- A desire to preserve a traditional village and countryside pattern of living, and to keep the character of each intact;
- The need to extend and use public services in the least costly manner possible;
- A desire to provide ample opportunity for development of reasonably priced housing; and
- The input of community comments received at public meetings, forums, and other communications.

As suggested by Maine's Planning and Land Use Regulation Act and its regulations, each of the three types of areas include lands that:

Figure III.B.2 Growth, Transition, and Rural Areas		
Rural Areas	Transitional Areas	Growth Areas
Consist of large, contiguous open spaces, farmland, and forest land	Are suitable for medium density development	May be largely developed, but contain sufficient area to accommodate anticipated growth and development
Do not require expansion of municipal facilities	Do not require expansion of municipal facilities	Can be efficiently served by public facilities
Contain critical natural and scenic resources that shall be protected	Do not contain significant rural resources	Are physically suitable for development or redevelopment
Are and shall be maintained relatively free of development sprawl and strip developments	Provide for limited, suburban or rural residential development opportunities	Promote a compact, rather than a sprawling, pattern of development

For purposes of Bar Harbor's Future Land Use Plan, rural, transitional, and growth areas are subdivided as follows.

3. Growth Areas

The designation of growth areas is intended to ensure that the Town plans for growth and development by directing it to areas most suitable for development and away from areas where it would be incompatible with protection of natural and rural resources. Growth areas may include some land areas that are physically unsuitable for development or redevelopment, such as a stream, small flood prone area, small natural hazard area, small pond, or small critical natural resource if they are of a scale and a level of protection that does not hinder the effectiveness of the growth area.

To encourage development in growth areas, it is important that growth areas offer a high quality of life. To assure that growth areas are attractive, desirable locations for growth, it is important that open spaces, parks, and overall quality of the landscape is not an afterthought, but is front and center in the design of the areas. Linked open spaces, parks and natural areas, sensitively located and well maintained landscaped buffers, and an abundance of shade trees, especially as part of the streetscape, are a critical part of ensuring that different land uses are good neighbors, that privacy is a key factor in design, and that growth areas are desirable places to live.

Growth areas are made up of **DOWNTOWN VILLAGE AREAS, HULLS COVE VILLAGE AREAS, OLD VILLAGE AREAS, NEW VILLAGE AREAS, TOWN HILL VILLAGE AREAS, INSTITUTIONAL CAMPUS AREAS,** and **LIGHT INDUSTRIAL AREAS.**

c. OLD VILLAGE AREAS— These mature, developed areas have traditionally accommodated a higher density of Bar Harbor's population than occurs in other areas of Town, except for **DOWNTOWN** and **TOWN HILL CENTER**. Furthermore, some commercial and social activity takes place in **OLD VILLAGE AREAS**. This designation is intended to encourage the preservation, revitalization, and some expansion of **OLD VILLAGE AREAS** in Bar Harbor and to protect them from encroachment by incompatible uses.

OLD VILLAGE AREAS include the areas:

- of Hulls Cove in the vicinity of Route 3 and southeast of Sand Point Road,
- of current businesses along Route 3,
- of Ireson Hill in the vicinity of Route 3 and west of Sand Point Road, and
- of Salisbury Cove in the vicinity of Route 3 and Bayview Drive.

Some **OLD VILLAGE AREAS** are served by public sewer and/or public water and host community and municipal facilities. This designation is intended to allow for infill development with similar types of uses at comparable densities, which are generally higher than what occurs in other parts of the community, except for the downtown and Hulls Cove. Where appropriate to support and enhance a village environment, public sewer and/or water shall be extended, decentralized waste water facilities shall be allowed where soils permit, new community and/or public facilities shall be sited, and existing facilities shall be maintained and replaced, as necessary.

The primary objective of this designation is to reinforce the concept of villages and a village lifestyle. To accomplish this, the Town shall adopt an approach to dealing with existing buildings that encourages their full utilization by allowing flexibility in their use. Permitted uses shall include higher density year-round residential, comparable to the intensity and design of existing development in the surrounding village, community facilities, and small scale, neighborhood-oriented retail, office, service, and other nonresidential uses appropriate to a village. Existing nonresidential uses that are not necessarily neighborhood-oriented, particularly those located along Route 3, shall continue to be allowed, but may only undertake limited expansion as part of overall renovation and maintenance necessary to allow for continued economic operation of the properties. Development proposals shall undergo design review to assure compliance with these standards and maintenance of a comfortable and attractive pedestrian environment. Reuse, expansion, and construction of new structures shall be of a high quality and shall require that the existing character of the streetscape be retained or improved by carefully controlling the placement of parking and prohibiting the use of front yards for parking and storage, that adequate parking be provided, that the site be well landscaped, that adjoining uses be adequately buffered, and that the architectural character of buildings be preserved. Access to serve new uses shall be regulated to conform to the character of the surrounding village, adjacent areas shall be protected from adverse impacts of change, and new buildings shall be compatible with historic character in terms of the scale, placement, and use of materials. New multifamily developments shall be in farmhouse like structures to better blend in with surrounding development. **OLD VILLAGE AREAS** shall serve as centers for nearby residents' social and cultural life. A safe, comfortable, and attractive pedestrian environment shall be a key focus of amended standards of development which will be part of required design review of new development.

In Hulls Cove, historic designations shall be maintained. In Ireson Hill and in Salisbury Cove, near the Post Office and along portions of Old Bar Harbor Road, a historic district designation shall be established. Uses shall include an array of neighborhood-oriented commerce and

business whose scale and intensity of development respects and reflects standards to assure that the uses are good neighbors to nearby residential neighborhoods and properties. Existing areas of business use shall remain in place and include standards that respect needed maintenance, expansion, and siting of new facilities necessary for continued economically viable operation. Where appropriate, buffers, screens, landscaping, rooftop gardens, and sensitive site design shall be provided to enhance and maintain the character of the community.

d. NEW VILLAGE AREAS – This designation, in combination with **TOWN HILL VILLAGE**, is intended to absorb the majority of new residential development anticipated over the planning period through new development, redevelopment, infill, and/or expansion along the edges of or near other **VILLAGE AREAS**. In some cases, public sewer and/or water are available or can be readily extended. Most commercial and social activity that isn't located in other **VILLAGE AREAS** is intended to be located in **NEW VILLAGE AREAS**, which are intended to provide for new development and redevelopment in a village style that discourages sprawl and strip development.

NEW VILLAGE AREAS include the areas:

- of Downtown defined by Spring Street, Cromwell Harbor Road, Eagle Lake Road, and the Acadia National Park boundary and Eden, Bloomfield, Cleftstone, and Eagle Lake roads,
- of Halls Cove and Ireson Hill along and south of Route 3, but not including the wetlands east of Hamilton Pond,
- of Salisbury Cove along and south of Route 3, but not including Hamilton Pond and the wetland areas of Northeast Creek and the heath; and
- of Town Hill along Route 102 south of Gilbert Farm (Hadley Farm) Road and north of the cemetery, and on Indian Point Road east of Foxfield Farm Road, and on Crooked Road west of Frenchman's Hill.

The primary objective of this designation is to provide areas for anticipated growth that reinforces the concept of villages and a village lifestyle. To accomplish this, the Town shall adopt an approach of allowing the development of traditional, pedestrian oriented neighborhoods. Permitted uses shall include higher density residential, consistent with the density of existing development in nearby villages or, in the case of Town Hill, compatible with a traditional rural center. Community facilities and limited nonresidential uses, including small scale, neighborhood-oriented retail, office, service, and other nonresidential uses appropriate to a village shall also be allowed. The Town's LUO shall incorporate flexibility to permit utilization of existing residential structures by allowing higher densities if the development is intended for year-round use and is designed to be compatible with surrounding uses. The reuse or construction of structures shall be of a high quality and shall require that the existing character of the streetscape be retained or improved by carefully controlling the placement of parking and prohibiting the use of front yards for parking and storage, that adequate parking be provided, that the site be well landscaped and adjoining uses adequately buffered, and that the architectural character of the building be preserved. Access to serve new uses shall be regulated to conform to the character of the village, adjacent areas shall be protected from adverse impacts of change, and new buildings shall be compatible with historic character in terms of the scale, placement, and use of materials. In **NEW VILLAGE AREAS**, except for those near Downtown, new multifamily developments shall be in farmhouse like structures to better blend in with surrounding development. **NEW VILLAGES** shall complement and extend **DOWNTOWN**, **OLD VILLAGE**, and **TOWN HILL VILLAGE AREAS** to serve as centers of social and cultural life for Bar Harbor residents. A safe, comfortable, and attractive pedestrian environment shall be a key focus of amended standards of development which will be part of required design review of new development.

The gross residential density of **NEW VILLAGE AREAS** shall be at least four dwelling units per acre where sewer is available and at least two dwelling units per acre where public sewer is not available and where soils permit. Where appropriate to support and enhance a village environment, public sewer and/or water shall be extended, decentralized waste water facilities shall be allowed, where soils permit, new community and/or public facilities shall be sited, and existing facilities shall be maintained and replaced, as necessary.

Uses in **NEW VILLAGE AREAS** shall be primarily single and multifamily residential, although small scale, neighborhood commercial and community facilities are acceptable if developed in a manner sensitive to the objectives of the area. Flexibility in subdivision design and lot size, PUD zoning techniques, and other measures that preserve significant percentages of active and inactive farms, farmland soils, woodlots, scenic areas, wildlife habitat, and the interconnections of the resulting open spaces shall be encouraged.

The Town shall discourage property owners from creating lots along existing roads. To accomplish this, the Town shall establish lot frontage requirements of a minimum of 300 feet for lots on state roads and reflect existing standards along town roads and allow far smaller frontages on internal public or private roads. The Town shall encourage interconnected roadways to offer residents alternative routes of travel to main roads in the community.

Appendix C: Implementation Schedule

<i>Timeline for Implementation of Fall 2010 Land Use Ordinances</i>		
Meeting Date	Meeting/Steps	Description
March 10, 2010	Neighborhood Meeting	Existing Conditions and Visioning Work Session
March 17, 2010	Planning Board	Introduce Draft Language to Planning Board and gather feedback
March 24, 2010	Website	Planning Department posts draft ordinance language for public review to website.
Late March	Neighborhood Meeting	Planning Department holds follow up neighborhood meeting to review draft ordinance language.
April 2, 2010	Website	Planning Department posts second draft of language for public review to the website
April 6, 2010	Town Council	Staff introduces language to the Town Council.
April 7, 2010	Planning Board	Staff presents final language to the Planning Board and gathers final thoughts.
May 4, 2010	Town Council	Introduce final language to Town Council
May 18, 2010	Town Council	Optional Public Hearing
June 2, 2010	Planning Board	Check in
June 10, 2010	Website	Planning Department posts final Orders to website
June 15, 2010	Town Council	Review Final Language
July 6, 2010	Town Council	Town Council signs Orders
November 2, 2010	Town Meeting	Town vote on proposed amendments